

1 AN ACT with regard to schools.

2 Be it enacted by the People of the State of Illinois,  
3 represented in the General Assembly:

4 Section 5. The School Code is amended by changing  
5 Sections 11A-2 and 11A-8 as follows:

6 (105 ILCS 5/11A-2) (from Ch. 122, par. 11A-2)

7 Sec. 11A-2. Organization of community unit districts;  
8 territorial requirement. (1) Any contiguous and compact  
9 territory of at least \$12,000,000 equalized assessed  
10 valuation and having a population of not less than 4,000 and  
11 not more than 500,000, no part of which is included within  
12 any unit district, may be organized into a community unit  
13 school district as provided in this Article; (2) the  
14 territory of 2 or more entire unit school districts that are  
15 contiguous to each other and the territory of which taken as  
16 a whole is compact may be organized into a community unit  
17 school district as provided in this Article; or (3) the  
18 territory of one or more entire unit school districts that  
19 are contiguous to each other plus any contiguous and compact  
20 territory, no part of which is included within any unit  
21 district, and the territory of which taken as a whole is  
22 compact may be organized into a community unit school  
23 district as provided in this Article; however, a petition or  
24 petitions may be filed hereunder proposing to divide a unit  
25 school district into 2 or more parts and proposing to include  
26 all of such parts in 2 or more community unit districts. As  
27 used in this Section, a unit school district includes, but is  
28 not limited to, a special charter unit school district.

29 The territory of any high school district and all of the  
30 elementary school districts included within that high school  
31 district may be organized into a community unit school

1 district. A petition signed by at least 10% of the voters  
2 residing in the affected school districts included in the  
3 proposal shall be filed with the regional superintendent of  
4 schools of the region in which the territory described in the  
5 petition is situated, or the petition may be filed by the  
6 school board of the high school district. The petition shall  
7 (i) request the submission of the proposition at a regular  
8 scheduled election for the purpose of voting for or against  
9 the creation of a community unit school district; (ii)  
10 describe the territory comprising the proposed district; and  
11 (iii) set forth the maximum tax rates for educational,  
12 operations and maintenance, pupil transportation, and fire  
13 prevention and safety purposes that the proposed district  
14 will be authorized to levy.

15       The regional superintendent shall not accept for filing  
16 hereunder any petition which includes therein any territory  
17 already included as part of the territory described in  
18 another petition filed hereunder. Hearings on a petition  
19 filed hereunder shall not be commenced so long as any part of  
20 the territory described therein shall include territory  
21 described, whether by amendment or otherwise, in another  
22 petition filed hereunder. A petition may be filed hereunder  
23 which contains less than the required minimum equalized  
24 assessed valuation or population requirements provided that  
25 such a petition shall not be approved by the regional  
26 superintendent and State Superintendent unless it is  
27 determined: (1) that there is a compelling reason for  
28 granting the petition; (2) that the territory involved cannot  
29 currently be organized as part of a petition which meets the  
30 minimum requirements; (3) that the granting of the petition  
31 will not interfere with the ultimate reorganization of the  
32 territory into a school district which meets the minimum  
33 requirements; (4) that the granting of the petition is in the  
34 best educational interests of the pupils affected; and (5)

1 that the granting of the petition is financially beneficial  
2 to the affected school districts.

3 (Source: P.A. 88-555, eff. 7-27-94.)

4 (105 ILCS 5/11A-8) (from Ch. 122, par. 11A-8)

5 Sec. 11A-8. Passage requirements.

6 (a) Except as otherwise provided by Section 11A-7, the  
7 proposition to create a community unit school district shall  
8 be submitted only to the voters of the territory which  
9 comprises the proposed community unit school district, and if  
10 a majority of the voters ~~in--each--of--the--affected--school~~  
11 ~~districts~~ voting at such election vote in favor of the  
12 establishment of such community unit school district, the  
13 proposition shall be deemed to have passed. Unless the board  
14 of education of a new community unit school district is  
15 elected at the same election at which the proposition  
16 establishing that district is deemed to have passed, the  
17 regional superintendent of schools shall order an election to  
18 be held on the next regularly scheduled election date for the  
19 purpose of electing a board of education for that district.  
20 In either event, the board of education elected for a new  
21 community unit school district created under this Article  
22 shall consist of 7 members who shall have the terms and the  
23 powers and duties of school boards as defined in Article 10  
24 of this Act. Nomination papers filed under this Section are  
25 not valid unless the candidate named therein files with the  
26 regional superintendent a receipt from the county clerk  
27 showing that the candidate has filed a statement of economic  
28 interests as required by the Illinois Governmental Ethics  
29 Act. Such statement shall be so filed either previously  
30 during the calendar year in which his nomination papers were  
31 filed or within the period for the filing of nomination  
32 papers in accordance with the general election law. The  
33 regional superintendent shall perform the election duties

1 assigned by law to the secretary of a school board for such  
2 election, and shall certify the officers and candidates  
3 therefor pursuant to the general election law.

4 (b) Except as otherwise provided in subsection (c), for  
5 school districts formed before January 1, 1975, if the  
6 territory of such district is greater than 2 congressional  
7 townships or 72 square miles, then not more than 3 board  
8 members may be selected from any one congressional township,  
9 but congressional townships of less than 100 inhabitants  
10 shall not be considered for the purpose of such mandatory  
11 board representation, and in any such community unit district  
12 where at least 75% but not more than 90% of the population is  
13 in one congressional township 4 board members shall be  
14 selected therefrom and 3 board members shall be selected from  
15 the rest of the district, but in any such community unit  
16 district where more than 90% of the population is in one  
17 congressional township all board members may be selected from  
18 one or more congressional townships; and whenever the  
19 territory of any community unit district shall consist of not  
20 more than 2 congressional townships or 72 square miles, but  
21 shall consist of more than one congressional township, or 36  
22 square miles, outside of the corporate limits of any city,  
23 village or incorporated town within the school district, not  
24 more than 5 board members shall be selected from any city,  
25 village or incorporated town in such school district.

26 (c) The provisions of subsection (b) for mandatory board  
27 representation shall no longer apply to a community unit  
28 school district formed prior to January 1, 1975, and the  
29 members of the board of education shall be elected at large  
30 from within that school district and without restriction by  
31 area of residence within the district if both of the  
32 following conditions are met with respect to that district:

33 (1) A proposition for the election of board members  
34 at large and without restriction by area of residence

1           within the district rather than in accordance with the  
2           provisions of subsection (b) for mandatory board  
3           representation is submitted to the school district's  
4           voters at a regular school election or at the general  
5           election as provided in this subsection (c).

6           (2) A majority of those voting at the election in  
7           each congressional township comprising the territory of  
8           the school district, including any congressional township  
9           of less than 100 inhabitants, vote in favor of the  
10          proposition.

11          The board of education of the school district may by  
12          resolution order submitted or, upon the petition of the  
13          lesser of 2,500 or 5% of the school district's registered  
14          voters, shall order submitted to the school district's voters  
15          at a regular school election or at the general election the  
16          proposition for the election of board members at large and  
17          without restriction by area of residence within the district  
18          rather than in accordance with the provisions of subsection  
19          (b) for mandatory board representation; and the proposition  
20          shall thereupon be certified by the board's secretary for  
21          submission. If a majority of those voting at the election in  
22          each congressional township comprising the territory of the  
23          school district, including any congressional township of less  
24          than 100 inhabitants, vote in favor of the proposition: (i)  
25          the proposition to elect board members at large and without  
26          restriction by area of residence within the district shall be  
27          deemed to have passed, (ii) new members of the board shall be  
28          elected at large and without restriction by area of residence  
29          within the district at the next regular school election, and  
30          (iii) the terms of office of the board members incumbent at  
31          the time the proposition is adopted shall expire when the new  
32          board members that are elected at large and without  
33          restriction by area of residence within the district have  
34          organized in accordance with Section 10-16. In a community

1 unit school district that formerly elected its members under  
2 subsection (b) to successive terms not exceeding 4 years, the  
3 members elected at large and without restriction by area of  
4 residence within the district shall be elected for a term of  
5 4 years, and in a community unit school district that  
6 formerly elected its members under subsection (b) to  
7 successive terms not exceeding 6 years, the members elected  
8 at large and without restriction by area of residence within  
9 the district shall be elected for a term of 6 years;  
10 provided, that in each case the terms of the board members  
11 initially elected at large and without restriction by area of  
12 residence within the district as provided in this subsection  
13 shall be staggered and determined in accordance with the  
14 provisions of Sections 10-10 and 10-16.

15 (Source: P.A. 89-129, eff. 7-14-95.)

16 Section 99. Effective date. This Act takes effect upon  
17 becoming law.